

**REMARKS**

In the Office action dated December 28, 2004, claims 1-10 were rejected as anticipated by Kim (US 2004/0137693) and unpatentable over Kim in view of Applicant's Prior Art (APA). By way of the forgoing amendments, claims 1-10 have been cancelled without prejudice and claims 11-20 have been added. Of the added claims, claim 11 is independent and claims 12-19 are dependent. In view of the foregoing amendments and the following remarks, the rejections are respectfully traversed and reconsideration of this application is respectfully requested.

As an initial matter, in the specification, paragraph [0015] has been amended to correct a minor editorial problem. Therefore, the applicant respectfully submits that the objection to the specification has been traversed.

FIGS. 1a-1f have been amended to include the label "--Prior Art--." Therefore, the applicant respectfully submits that the objections to the drawings have been traversed.

Independent claim 11 is directed to an MIM capacitor of a semiconductor device. The MIM capacitor comprises a substrate; a lower metal layer disposed on the substrate; a sacrificial layer disposed on the substrate and patterned to reveal an area of the lower metal layer; an upper metal layer disposed on the lower metal layer, the substrate surface, and the sacrificial layer; and a dielectric layer disposed on the upper metal layer.

Kim discloses a method for forming an MIM capacitor. However, as shown in FIGS. 2B to 2D, Kim does not disclose that an upper metal layer is disposed on the substrate surface. Rather, Kim teaches that a second metal film 31 is disposed on an insulation film 29, wherein the insulation film 29 is disposed on a dielectric film 25 and a first metal film 23. In

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addition, the applicant's prior art teaches that an upper metal layer 4 is disposed on a dielectric layer 3, not on the substrate surface. Therefore, for at least the forgoing reasons, independent claim 11 and claims 12-20 dependent thereon are not anticipated by Kim and are patentable over Kim in view of the applicant's prior art.

For at least the forgoing reasons, it is respectfully submitted that claims 11-20 are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next official action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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**Amendments to the Drawings:**

In the attached sheets of drawings, FIGS. 1a-1f have been amended to include the “-- Prior Art—“ label. These sheets replace the original sheets including FIGS. 1a-1f.

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Annotated Sheet Showing Amendments

Fig. 1a

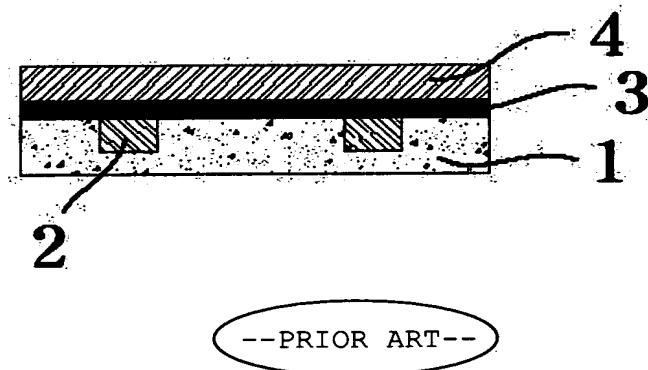
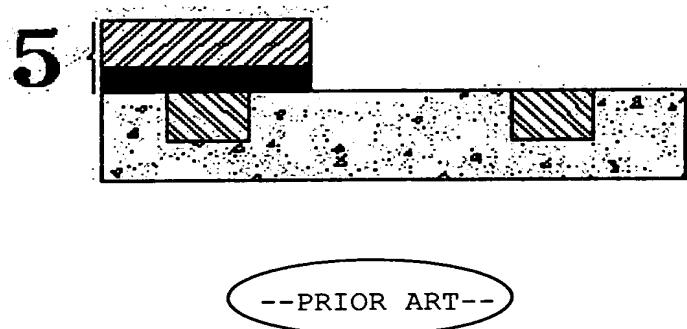


Fig. 1b



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Fig. 1c

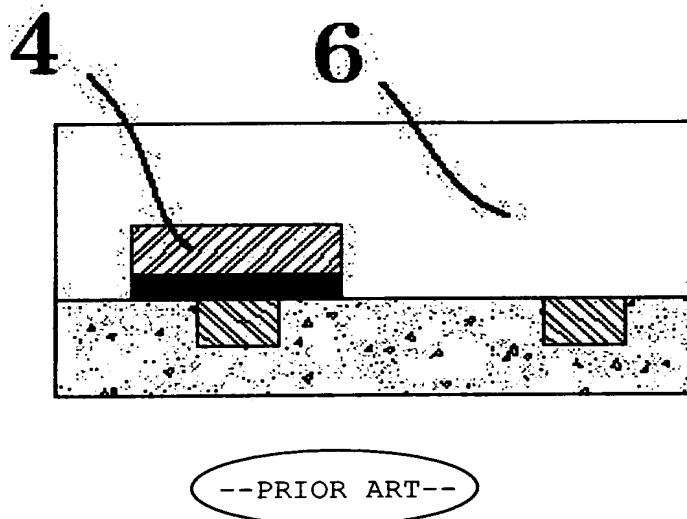
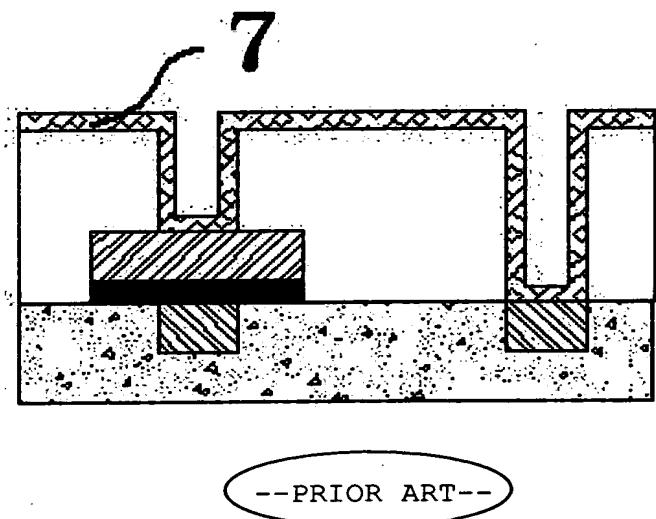
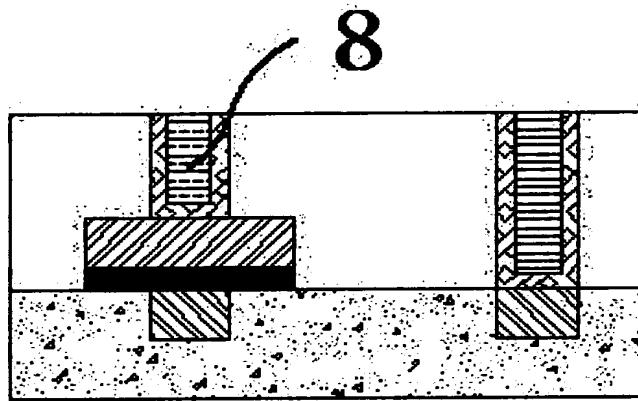


Fig. 1d



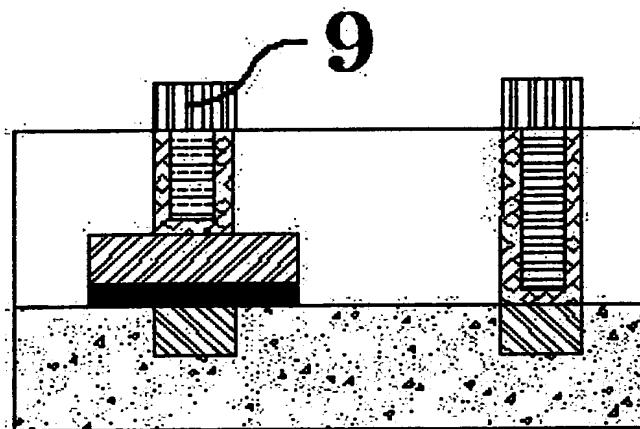
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Fig. 1e



--PRIOR ART--

Fig. 1f



--PRIOR ART--